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7/14/07  
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PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

Application Number

10/619624

Filing Date

7/14/2003

First Named Inventor

Denise Robinson

Art Unit

3734

Examiner Name

Truong, Kevin Thao

Attorney Docket Number

u/a

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name			
Date		Reg. No.	

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Denise Robinson	Date	7/10/07

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

First Named Inventor: Denise RobinsonArt Unit: 3734Application Number: 10/619,024Examiner: Truong, Kevin ThaoFiled: 07/14/2003Title: Eye brow Shaping Device

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity - fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of  
Cashier Check Revival (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B The issue fee of \$ 700.00

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/16/2007 SFELEKE2 00000006 10619024

01 FC:2452  
02 FC:2501250.00 OP  
700.00 OP

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

  
Signature

7/9/07  
Date

Denise Robinson  
Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

my Patent (#10/619,024) was abandoned unavoidably because The attorney I retained to obtain my patent did not contact me for the Patent Issue Fee. He claimed that he sent notification, but I did not receive any (in a timely manner). After the deadline of the Patent Issue Date I received a letter from my attorney stating that I did not respond to him in a timely manner. There was no way I could respond to something that I didn't have any knowledge of. Enclosed are the <sup>①</sup>correspondence they claimed was sent to me for the Issue Fee.

I am also enclosing a correspondence for filing a final amendment that was suppose to take about a four month response, and the correspondence I received after the deadline.

Response on my part was unavoidable because I had no knowledge of what was needed from me.

(Please attach additional sheets if additional space is needed.)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

### **WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Denise Robinson  
Signature

7/9/07  
Date

Denise Robinson  
Typed or printed name

Registration Number, if applicable

381D Park Ridge Ln  
Address

630-499-0338

Aurora, IL 60504  
Address

Telephone Number

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

### **CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

7/9/07  
Date

Denise Robinson  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate

FULLER  
SHULTZ &  
SMITH P.C.

LAWYERS  
EST. 1887

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and Nebraska

Delvin T. Woods  
1899-1983)  
Lowell L. Fuller  
1909-1981)  
John B. Shultz  
1912-1975)  
Francis M. Smith  
1910-2004)



March 8, 2006

Jeffrey A. Proehl  
[jproehl@wfss.com](mailto:jproehl@wfss.com)

Denise Robinson  
381d Park Ridge Lane  
Aurora IL 60504

**Re: Filing of the Final Amendment to Your U.S. Patent Application**  
**Title: EYEBROW SHAPING DEVICE**

**WFSS File No.: 30164**

**L&P File No.: 23-0267**

Dear Denise:


Enclosed please find a photocopy of the final Amendment that was mailed to the U.S. Patent and Trademark Office on March 06, 2006, in response to the Office Action dated January 05, 2006. This final Amendment made additional changes in the claims to hopefully distinguish the claims of your patent application from those patents cited by the Examiner and gain allowance of your application.

We hope to receive a response from the Examiner in approximately 4 months and will send you a copy of the Examiner's response to our amendment, so that the appropriate action can be taken at that time.

Please review the Amendment. If you have any questions or comments, please forward them to our office in writing with your WFSS File No. 30164 and your L&P File No. 23-0267, so we can add them to your file.

Respectfully yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

  
Jeffrey A. Proehl

Enclosure: Copy of Amendment

Denise Robinson  
April 15, 2006  
Page 2

It is to your advantage not to wait. Failure to make this payment by the due date will result in abandonment of the application. If you miss the issue fee deadline, the cost for reviving your patent application would be \$750.00 (U.S.P.T.O. Revival Fee) and \$700.00 (U.S.P.T.O. Issue Fee), plus \$250.00 in attorneys' fees for preparing the petition for reviving your patent application. **We cannot be responsible for the timely filing of money orders that are received by our office less than two weeks before the July 12, 2006, due date.**

Please check the "Declaration and Power of Attorney" at the end of your copy of the patent application that was filed on July 14, 2003. The address that appears in that "Declaration" is the address that will be printed on the front of the Official Patent Grant document. If your address has changed, or you want a different address on the patent than was printed in the "Declaration and Power of Attorney," please notify us as soon as possible so that notification of this change can be submitted to the U.S.P.T.O. with the Issue Fee payment for your application. **Even if you have previously notified our office of an address change for you, we do not automatically notify the U.S.P.T.O. of an address change unless you expressly instruct us to do so.**

Thank you for allowing us to assist you with your patent application. If I may be of further service, please so advise.

Best regards,

WOODS, FULLER, SHULTZ & SMITH P.C.



Jeffrey A. Proehl

Enclosures: Copy of Notice of Allowance  
Issue Fee Submission Form  
Return Envelope

FULLER  
SHULTZ &  
SMITH P.C.

LAWYERS  
EST. 1887

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Howell L. Fuller  
(1909-1981)  
John B. Shultz  
(1912-1975)  
Francis M. Smith  
(1910-2004)

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April 20, 2006

NOT ~ 4 mos.

**BY CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Denise Robinson  
381D Park Ridge Lane  
Aurora, IL 60504

Re: NOTICE OF ALLOWANCE-UTILITY PATENT APPLICATION  
Title: EYEBROW SHAPING DEVICE  
Serial Number: 10/619,024  
WFSS File No.: 30164  
L&P File No.: 23-0267

Dear Denise:

**Congratulations!!** It is our pleasure to inform you that the U.S. Patent and Trademark Office (U.S.P.T.O.) has indicated that it will allow your patent application to issue as a patent. Enclosed is a copy of the Notice of Allowance and Issue Fee Due. The U.S.P.T.O. requires that you pay an "Issue Fee" before your application will issue as a patent. The \$700.00 issue fee must be received by the U.S.P.T.O. on, or before, **July 12, 2006**, the date indicated on the enclosed correspondence from the U.S.P.T.O.

To expedite this process, please send your Issue Fee payment in the form of a U.S. money order as soon as possible, so that we can prepare the necessary documents and forward them along with your payment money order to the U.S.P.T.O. The money order should be made payable to "Assistant Commissioner for Patents" and should be mailed to Woods, Fuller, Shultz & Smith P.C. at the following address:

Woods, Fuller, Shultz & Smith P.C.  
300 South Phillips Avenue, Suite 300  
P.O. Box 5027  
Sioux Falls, SD 57117-5027

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Street, Apt. No., or PO Box No. <u>381 Park Ridge Lane</u>	
City, State, ZIP+4 <u>Aurora IL 60504</u>	
PS Form 3800, June 2002 See Reverse for Instructions	

WOODS, FULLER, SHULTZ & SMITH P.C.  
300 SOUTH PHILIPS AVENUE, SUITE 300  
POST OFFICE BOX 5027  
SIOUX FALLS, SOUTH DAKOTA 57117-5027

MAY 18 1998

If this was the  
returned date, why  
didn't I get a  
phone call or something.

*[Handwritten signature]*

*Ja* D: *Winson*  
*lane*  
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☐ MOVED, LEFT NO ADDRESS  
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☐ NO SUCH STREET  
☐ NO SUCH NUMBER  
☐ INSUFFICIENT ADDRESS  
☐ REFUSED

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**FULLER  
HULTZ &  
SMITH P.C.**

**LAWYERS  
EST. 1887**

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John B. Shultz  
(1912-1975)  
Francis M. Smith  
(1910-2004)

**COPY**

July 18, 2006

mailed via regular  
mail, after deadline

Jeffrey A. Proehl  
[Jeff.Proehl@woodsfuller.com](mailto:Jeff.Proehl@woodsfuller.com)

Denise Robinson  
381D Park Ridge Lane  
Aurora IL 60504

**Re: FAILURE TO SUBMIT THE PATENT ISSUE FEE**  
**Title: EYEBROW SHAPING DEVICE**  
**WFSS File No.: 30164**  
**L&P File No.: 23-0267**

Dear Denise:

Since you have not responded to our letter dated April 20, 2006, which requested that you forward the government "Issue Fee" to our office for submission to the United States Patent and Trademark Office ("U.S.P.T.O.") within the allowed time period, your above-identified patent application has been placed into an "abandoned" status by the U.S.P.T.O.

If you still wish to have your United States patent issue, you will need to file a "Petition to Revive an Unintentionally Abandoned Patent Application." The petition should be filed within one year from the date on which you should have paid your government Issue Fee, and the petition will need to include both the unpaid Issue Fee and an additional government required "revival fee" in the amount of \$750.00.

If you would like our firm to prepare and submit the revival petition to the U.S.P.T.O., we need you to send us the following:

A check made payable to the "Assistant Commissioner for Patents" for \$1,450.00 (which includes the Issue Fee of \$700.00 and the revival fee of \$750.00); and

Denise Robinson

July 18, 2006

Page 2

A check for our attorneys fees made payable to Woods, Fuller, Shultz & Smith P.C. in the amount of \$250.00.

If the petition is not filed within a one year period from the Issue Fee due date, the U.S.P.T.O. may refuse to issue any patent based on your patent application, depending upon the particular situation causing the delay. Further, if the revival petition is filed more than six months after the application has gone abandoned, the U.S.P.T.O. may require the term of the patent to be "disclaimed," or surrendered, in order to revive the application.

If we do not hear from you in writing within the next fifteen days (include your WFSS File No. 30164 and your L&P File No. 23-0267), we will presume that you have decided not to proceed and will close your file.

Respectfully yours,

WOODS, FULLER, SHULTZ & SMITH P.C.

A handwritten signature in black ink, appearing to read 'J. Proehl', written in a cursive style.

Jeffrey A. Proehl

FULLER  
SHULTZ &  
SMITH P.C.

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John B. Shultz  
(1912-1975)  
Francis M. Smith  
(1910-2004)

COPY

July 24, 2006

mailed via regular  
mail, after deadline

Jeffrey A. Proehl  
[Jeff.Proehl@woodsfuller.com](mailto:Jeff.Proehl@woodsfuller.com)

Denise Robinson  
381D Park Ridge Lane  
Aurora IL 60504

**Re: FAILURE TO SUBMIT THE PATENT ISSUE FEE**  
**Title: EYEBROW SHAPING DEVICE**  
**WFSS File No.: 30164**  
**L&P File No.: 23-0267**

Dear Denise:

Since you did not respond to our letter dated April 20, 2006, which requested that you forward the government "Issue Fee" to our office so that the issue fee could be forwarded on to the United States Patent and Trademark Office ("U.S.P.T.O.") within the allowed time period, your above-identified patent application has been placed into an "abandoned" status by the U.S.P.T.O.

If you still wish to have your United States patent issue, you will need to file a "Petition to Revive an Unintentionally Abandoned Patent Application." The petition should be filed within one year from the date on which you should have paid your government Issue Fee, and the petition will need to include both the unpaid Issue Fee and an additional government required "revival fee" in the amount of \$750.00.

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A check made payable to the "Assistant Commissioner for Patents" for \$1,450.00 (which includes the Issue Fee of \$700.00 and the revival fee of \$750.00); and

Denise Robinson

July 24, 2006

Page 2

A check for our attorneys fees made payable to Woods, Fuller, Shultz & Smith P.C. in the amount of \$250.00.

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If we do not hear from you in writing within the next fifteen days (include your WFSS File No. 30164 and your L&P File No. 23-0267), we will presume that you have decided not to proceed and will close your file.

Respectfully yours,

WOODS, FULLER, SHULTZ & SMITH P.C.



Jeffrey A. Proehl